

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN re: :

DELTA AIRLINES, et al., :

ESSEX HOUSE CONDOMINIUM CORPORATION, :
MARRIOTT INTERNATIONAL, INC., :

07 Civ. 6843 (VM)

Appellants, :

ORDER

- V - :

DELTA AIRLINES, INC., BANK OF NEW YORK, :
POST-EFFECTIVE DATE COMMITTEE OF DELTA :
AIRLINES, INC., AD HOC COMMITTEE OF :
SENIOR NOTE HOLDERS, :

Appellees. :

<p>USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <i>9-10-07</i></p>

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VICTOR MARRERO, United States District Judge.

Appellants Essex House Condominium Corporation and Marriott International, Inc. (together "Appellants") filed this action on July 31, 2007 appealing to this Court a decision of the bankruptcy court. On August 2, the Clerk of Court entered on the docket of the case notice by electronic mail, which was also mailed to counsel for the parties, indicating the date that the appeal was docketed and advising that Appellants' submission in support of the appeal was due August 17, 2007.

According to Federal Rule of Bankruptcy Procedure 8009(a)(1), Appellants had fifteen days to file and serve their appellate brief. The fifteen-day period by which an appellant from a decision of a bankruptcy court must file an appellate brief pursuant to Rule 8009(a)(1) "is only triggered once the appeal has been docketed in the district court and notice of the docketing of

the appeal has been sent to all parties." In re Enron Corp., 475 F.3d 131, 134 (2d Cir. 2007). In this case, the period commenced on August 2, and Appellants' brief was due on August 17, 2007. A review of the docket sheet for this action indicates that, to date, no appellate brief has been filed in this Court. Accordingly, it is hereby

ORDERED that the Clerk of Court is directed to enter judgment dismissing this bankruptcy appeal and to close this case.

SO ORDERED.

Dated: New York, New York
10 September 2007

A handwritten signature in black ink, appearing to read 'V. Marrero', is written over a horizontal line.

VICTOR MARRERO
U.S.D.J.

STROOCK

By Facsimile

September 7, 2007

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Honorable Victor Marrero
United States District Judge
Daniel Patrick Moynihan United States Courthouse
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New York, NY 10007
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Re: ***In re Delta Airlines, Inc., et al.***
Essex House Condominium Corporation, et al. v. Delta Airlines, Inc., et al.
Case No. 07-6842 (DLC)
Case No. 07-6843 (VM)
Case No. 07-6844 (NRB)

Dear Judge Marrero:

We represent Delta Airlines, Inc. ("Delta"), the Appellee in the above entitled actions and write to Your Honor to request dismissal of the instant appeal assigned to Your Honor's docket as Case No. 07-6843.

On July 5, 2007 Essex House Condominium Corporation and Marriott International, Inc. (the "Appellants") and, together with Delta, the "Parties") appealed to this Court from the following orders (the "Orders"), dated June 25, 2007, of the United States Bankruptcy Court of the Southern District of New York (the "Bankruptcy Court"):

(i) Order Denying Motion of Essex House Condominium, Inc. and Marriott International, Inc. To Enforce Terms of Order Approving a Modified Term Sheet and an Extension of Section 1110 Deadlines, and Authorizing Agreements to Restructure Transactions Affecting Eighty-Eight Aircraft and Associated Engines, Equipment and Documents [Docket No. 6354] (Case No. 07-6843)—assigned to Your Honor;

(ii) Order Approving Stipulation and Order Regarding Termination of Period Under Section 1110 of the

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Bankruptcy Code with Respect to Aircraft N140LL, N681DA, N682DA, N125DL and N126DL [Docket No. 6355] (Case No. 07-6842)—assigned to Judge Cote; and

(iii) Stipulation and Order Regarding Termination of Period Under Section 1110 of the Bankruptcy Code with Respect to Aircraft N140LL, N681DA, N682DA, N125DL and N126DL [Docket No. 6356] (Case No. 07-6844)—assigned to Judge Buchwald.

Case Nos. 07-6842, 07-6843 and 07-6844 (collectively, the "Appeals") were docketed on July 31, 2007. The Clerk of this Court sent notice of the docketing of the Appeals to the Parties on August 2, 2007. Pursuant to Fed. R. Bankr. P. 8009(a)(1), Appellants had fifteen (15) days, or to August 17, 2007, to file and serve their appellate briefs in the Appeals. To date, no briefs have been filed on the docket, nor received by Delta.

On August 31, 2007, Judge Cote entered an order dismissing Case No. 07-6842 (the "Dismissal Order"). A copy of the Dismissal Order is attached hereto as Exhibit A. Delta respectfully requests that Your Honor enter an order similar to the Dismissal Order on the docket of this Appeal (Case No. 07-6843). A letter is simultaneously being sent to Judge Buchwald requesting the same relief in Case No. 07-6844.

If you have any questions, please contact me at the number above or my colleague, Jayne Goldstein, Esq. at (212) 806-5805.

Respectfully submitted,



Kristopher M. Hansen

cc: Thomas R. Califano, Esq. (counsel to the Appellants)
Julia Frost-Davies, Esq. (counsel to the Ad Hoc Committee of Senior Secured Noteholders)
Leo T. Crowley, Esq. (counsel to Bank of New York, as Indenture Trustee)
David H. Botter, Esq. (counsel to the Post-Effective Date Committee of Delta Air Lines, Inc, *et al.*)